

**Department of Legislative Services**  
 Maryland General Assembly  
 2006 Session

**FISCAL AND POLICY NOTE**

House Bill 812 (Delegates Rudolph and McComas)  
 Environmental Matters

**Environment - Methamphetamine Laboratories - Standards for Cleanup**

This bill requires the Maryland Department of the Environment (MDE), by October 1, 2007, to adopt regulations that establish standards for the cleanup of methamphetamine laboratories. The bill establishes requirements relating to the content of such regulations.

**Fiscal Summary**

**State Effect:** General fund expenditure increase of \$60,000 in FY 2007 and \$30,000 in FY 2008 for MDE to hire a consultant to develop the standards. The extent to which the development of standards would have any impact on State expenditures is unclear. Revenues would not be directly affected.

(in dollars)	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	60,000	30,000	-	-	-
GF/SF/FF Exp.	0	-	-	-	-
Net Effect	(\$60,000)	(\$30,000)	\$0	\$0	\$0

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** Although local governments would not be directly affected by the bill, the extent to which the development of standards would have any impact on local entities is unclear.

**Small Business Effect:** Potential meaningful.

## Analysis

**Bill Summary:** The regulations must:

- address procedures for sampling and testing property that may have been a methamphetamine laboratory site;
- identify the substances associated with methamphetamine production that pose a substantial risk of harm to persons who occupy or use the property or to the public health;
- set levels of contamination from substances associated with methamphetamine production that make a property unfit for use;
- establish guidelines for the decontamination of property that is determined to be unfit for use; and
- establish guidelines for soil or groundwater cleanup from methamphetamine laboratory contamination.

**Current Law:** Methamphetamine is a Schedule II controlled dangerous substance. Currently, Maryland law subjects a person convicted of manufacturing methamphetamine to a maximum imprisonment of 5 years and subjects a person convicted of importation to a maximum imprisonment of 25 years.

**Background:** Methamphetamine, also known as “speed” or “meth,” is considered to be one of the nation’s most dangerous illegal drugs. Users on a “binge” may go days without sleep or food. The addiction is insidious and hard to overcome. Chronic methamphetamine abuse can lead to significant weight loss, psychotic and violent behavior, heart problems, and brain damage. Addiction to methamphetamine means serious health problems for the user and public health and environmental problems for the community.

Methamphetamine can be produced almost anywhere – from abandoned buildings in rural areas to apartments and even cars in more populated areas. Over-the-counter cold medicines containing pseudoephedrine are “cooked” with reagents such as iodine and solvents such as paint thinner to make the synthetic drug. While relatively simple and inexpensive to manufacture, the production of methamphetamine is hazardous. Eighty percent of methamphetamine manufactured in the U.S. is produced in sophisticated super labs; however, makeshift “mom and pop” labs make smaller quantities under conditions that often result in toxic explosions, fires, hazardous waste dumping, and child endangerment.

To date, methamphetamine's impact in Maryland is minimal, but surrounding areas have seen much more activity with an increasing number of methamphetamine labs seized. One methamphetamine lab was seized in Virginia in 2000 compared to 61 in 2004. The number of labs seized in West Virginia between 2000 and 2004 increased from 3 to 84 and in Pennsylvania from 8 to 63. As is true nationwide, methamphetamine users in Maryland have historically been concentrated in rural areas.

Three meth labs have been uncovered in Anne Arundel County recently. For one of them, a Millersville couple was indicted by a federal grand jury on four drug counts, including manufacturing with the intent to distribute and possession of methamphetamines. The couple's operation was on rented property in the county and they have also been accused of operating one of the other two labs uncovered. In January 2006, two Harford County residents were sentenced to federal prison terms in connection with 2005 raids of several methamphetamine laboratories in Maryland and Pennsylvania.

Children found in locations where methamphetamine is manufactured are highly susceptible to inhaling and absorbing the toxic substances, and face serious safety risks from potential lab fires and explosions. Children may be left unsupervised, neglected, or even abused while parents are preoccupied with their addiction. Forty percent of child welfare officials in 2004 reported an increase in out-of-home placements due to methamphetamine use.

In addition, the manufacturing of methamphetamine poses a significant danger to first responders. Poisonous gases are released when the highly flammable and explosive chemicals are "cooked." Every pound of methamphetamine produced generates five to seven pounds of toxic waste. Lab operators have dumped the toxic waste down household drains, in fields, in yards, and on rural roads. Emergency personnel require appropriate training in identifying and handling the contents of a lab as clean up of contaminated sites is critical.

According to the U.S. Drug Enforcement Administration (DEA), when a federal, state, or local agency seizes a clandestine methamphetamine laboratory, U.S. Environmental Protection Agency regulations require that DEA ensure that all hazardous waste materials are safely removed from the site. In 1990, DEA established a Hazardous Waste Cleanup Program to address environmental concerns from the seizure of clandestine drug laboratories. This program promotes the safety of law enforcement personnel and the public by using qualified companies with specialized training and equipment to remove hazardous waste. Private contractors provide hazardous waste removal and disposal services to DEA, as well as to state and local law enforcement agencies. DEA's Hazardous Waste Program, with the assistance of grants to state and local law

enforcement, supports and funds the cleanup of a majority of the laboratories seized in the United States.

Several states (such as Arkansas, California, Colorado, Minnesota, Missouri, Montana, Oklahoma, South Dakota, and Virginia) have established guidelines, protocols, or standards for the cleanup of methamphetamine labs. Some states (*e.g.*, Kentucky) have made methamphetamine producers civilly liable for cleanup costs.

**State/Local Expenditures:** General fund expenditures could increase by an estimated \$60,000 in fiscal 2007 and \$30,000 in fiscal 2008 for MDE to hire a consulting toxicologist to develop the standards.

Once the standards are in place, the extent to which State or local finances would be affected is unclear. Legislative Services notes that the bill does not address the funding of cleanups or sampling. Likewise, the bill does not provide MDE, the Department of Health and Mental Hygiene, local health departments, or State and local law enforcement agencies with the authority to declare a property unfit, quarantine a property while it is unfit for use, or determine that an unfit condition has been abated. In addition, the bill does not address the release of condemned property when it is deemed fit for use. MDE advises that, without specific statutory language, it would not have the authority to address these issues through regulation.

Accordingly, it is unclear what impact the development of standards would have on the process currently undertaken when a methamphetamine lab is found in Maryland. Depending on the local jurisdiction, the process (and the entities involved) may vary. Anne Arundel County advises that, to date, the process in that county has generally worked as follows. If a methamphetamine lab is found, local law enforcement may secure the scene, but then DEA is contacted. DEA comes out to the property, takes samples and gathers evidence, and hires a private contractor to clean up the property and dispose of any hazardous waste. Once the property is deemed safe to enter, local law enforcement then conducts its investigation and posts a notice on the property regarding the seizure. Baltimore County advises that, although it has personnel trained to respond to methamphetamine lab sites, it too, generally contacts DEA for assistance.

Clearly, the development of standards has the potential to result in an increase in cleanup costs. According to DEA, the contractors it hires to clean up methamphetamine labs follow standards set by the Occupational Safety and Health Administration. If the standards developed by MDE under the bill are more stringent than those standards, costs would increase, perhaps significantly. However, as noted above, the bill does not specify who would be responsible for cleanup costs. Although DEA generally funds cleanups now, and would likely continue to do so when it is involved, the extent to which the State

or local governments could be subject to any increase in cleanup costs under the bill is unclear.

**Small Business Effect:** Although DEA generally funds cleanups now, the extent to which an owner of a small business (such as a hotel, motel, or rental property) on affected sites could be subject to any increase in cleanup costs under the bill is unclear. To the extent the bill results in an increase in the demand for private contractors to perform additional cleanup activities, those businesses would benefit.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of the Environment, Department of State Police, Department of Health and Mental Hygiene, Department of Public Safety and Correctional Services, Anne Arundel County Police Department, Anne Arundel County Health Department, Baltimore County Police Department, U.S. Department of Justice (U.S. Drug Enforcement Administration), Department of Legislative Services

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